

STATE OF SOUTH CAROLINA

(Caption of Case)

E. R. (Ron) Rutter Complainant/Petition v. United
Telephone Company of the Carolinas, d/b/a Embarq

193986
ORIGINAL
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 - 232 - C

(Please type or print)

Submitted by: Scott Elliott

SC Bar Number: 1872

Address: 721 Olive Street

Telephone: 803-771-0555

Columbia, SC 29205

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Other: _____

Email: sellott@elliottlaw.us

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Electric/Telecommunications | <input checked="" type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input checked="" type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: Extension Request |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | by Consent |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

ORIGINAL

ELLIOTT & ELLIOTT, P.A.
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SCOTT ELLIOTT

TELEPHONE (803) 771-0555
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July 21, 2008

Charles L.A. Terreni, Esquire
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Dr., Suite 100
Columbia, SC 29210

RECEIVED
2008 JUL 21 PM 2:27
SC PUBLIC SERVICE
COMMISSION

RE: E. R. (Ron) Rutter Complainant/Petitioner v. United Telephone Company
of the Carolinas, d/b/a Embarq
Docket No. 2008-232-C

Dear Mr. Terreni:

Enclosed please find for filing an original and a copy of the Answer of United Telephone Company of the Carolinas d/b/a Embarq in the above-captioned matter. By copy of this letter, I am serving all parties of record.

I have enclosed an extra copy of this answer which I would ask you to date stamp and return to me in the stamped self-addressed envelope enclosed for your convenience.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Elliott & Elliott, P.A.


Scott Elliott

SE/jcl

cc: Susan S. Masterton, Esquire
All Parties of Record w/enc.

ORIGINAL

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

IN RE: E.R. (Ron) Rutter)
Complainant/Petition)
v.)
United Telephone Company of the)
Carolinas, d/b/a Embarq)

Docket No. 2008-232-C

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COMMISSION

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**ANSWER OF UNITED TELEPHONE COMPANY
OF THE CAROLINAS, D/B/A EMBARQ**

In compliance with the Notice issued by the Public Service Commission of South Carolina in the above-referenced docket on June 20, 2008, United Telephone Company of the Carolinas, d/b/a Embarq ("Embarq") respectfully submits this Answer to the letters and attachments submitted by Mr. E.R. (Ron) Rutter (dated June 12, 2008 and May 29, 2008, respectively) hereinafter referred to as "the Complaint."

FOR A FIRST DEFENSE

1. Each and every allegation not hereinafter admitted, qualified, or explained is denied and strict proof demanded thereof.
2. Embarq denies the allegations of the Complaint that Embarq has failed to provide quality service to the identified customers. Embarq's records do not reflect the complaint history referenced in the May 29, 2008 letter. In addition, any trouble reported was repaired in a timely manner, as required by the law and the regulations of the Commission.
3. Embarq denies that access to 911 emergency services by any of Embarq's customers, including Mr. Rutter and the customers identified in the attachment to his

[Handwritten signature]

May 29, 2008 letter, is or has been inadequate or imperiled. Embarq complies with the law and the Commission's regulations regarding access to 911 services.


4. Embarq admits that DSL service is not available to the area where Mr. Rutter and the other identified customers reside due to the distance from the Digital Loop Carrier (DLC) serving the area.

5. Embarq denies that it provides "poor telephone service" or that its fees for its services are "high" or in any way unreasonable. Embarq service quality complies with the service quality required by law and the Commission's regulations. In addition, Embarq's fees for service are in accordance with the applicable law and regulations.

AFFIRMATIVE DEFENSES

FOR A SECOND DEFENSE

(Lack of Jurisdiction Over the Subject Matter)



6. To the extent that Mr. Rutter's Complaint involves the deployment of DSL services, these services are unregulated information services under the jurisdiction of the Federal Communications Commission and over which this Commission has no jurisdiction.

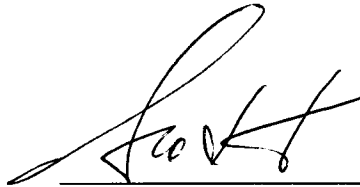
FOR A THIRD DEFENSE

(Failure to State Facts Sufficient to Constitute a Cause of Action)

7. The Complaint fails to state facts sufficient to constitute a cause of action or grounds for relief against Embarq.

WHEREFORE, having fully answered the Complaint herein, the Defendant
United Telephone Company of the Carolinas, d/b/a Embarq prays that the Complaint be
dismissed and for such other and further relief as is just and proper.

P.3



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Attorney for United Telephone Company
of the Carolinas, d/b/a Embarq

July 21, 2008

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that she has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: E.R. (Ron) Rutter Complainant/Petitioner v United Telephone Company of the Carolinas, d/b/a Embarq

DOCKET NO.: 2008-232-C

PARTIES SERVED:

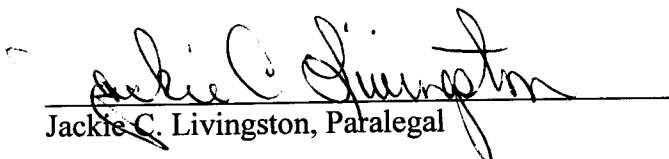
Jeffery M. Nelson, Esquire
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, SC 29201

E. R. (Ron) Rutter
101 Mariners Cove Road
Hodges, SC 29653

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COMMISSION

PLEADING: ANSWER OF UNITED TELEPHONE COMPANY
OF THE CAROLINAS, D/B/A EMBARQ

July 21, 2008



Jackie C. Livingston, Paralegal